

Case Nos.
1:23-CV-02882-JLR
and
1:23-CV-05570

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re Celsius Network, LLC

Debtors.

**MOTION FOR PERMISSION FOR ELECTRONIC FILING, PACER FEE
WAIVER, AND WAIVER OF COURT FEES**

Immanuel J. Herrmann
Pro Se

Daniel A. Frishberg
Pro Se

“The Customer-Appellants”

We respectfully ask the Court for permission to participate in electronic case filing (“e-filing”) in case numbers 1:23-CV-02882-JLR (the “Contrat Liability Appeal”) and 1:23-CV-05570 (the “Rule 60 Appeal”), and affirm under penalty of perjury that:

1. We have reviewed the Court’s Electronic Case Filing Rules & Instructions, available at http://nysd.uscourts.gov/ecf_filing.php, and agree to abide by them.
2. We reviewed the ECF Online Learning and ECF Training Documents, available at <https://nysd.uscourts.gov/programs/ecf-training>
3. We have each submitted a Non-Attorney E-File Registration for the PACER system at https://www.pacer.gov/reg_nonatty.html.
4. We understand that once we register for e-filing, we will receive notices and documents only by e-mail in this case and not by regular mail.
5. We understand that if we are granted permission to participate in e-filing, we must file documents electronically and may not submit documents to the Pro Se Intake Unit for scanning and docketing.
6. We know how to convert a document to PDF-A format.
7. We have regular access to the technical requirements necessary to e-file successfully, including

- a. Computers with internet access and word processors. We will be using MacBooks and Google Docs. In addition, Mr. Herrmann has Microsoft Word available.
- b. E-mail accounts that we check (on a daily basis) where we can receive notifications from the Court and notices from the e-filing system.
- c. Scanners to convert documents that are only in paper format into electronic files (we will take pictures with smartphones and have the ability to convert them into pdfs and Mr. Herrmann has Adobe Acrobat Pro which will allow any scanned documents to be added to a pdf and a scanner if needed.)
- d. PDF reader and PDF writer to convert word-processing documents into PDF format. Both appellants have the ability to create and file pdf documents directly from Google Docs. M.S. Word has the ability to directly create pdf documents as well. Mr. Herrmann has Adobe Acrobat Pro Continuous Release v. 2023.001.20177 to prepare any documents with exhibits.
- e. A printer or copier to create required paper copies such as chambers copies (not likely applicable in this case, but can be done on request; we have access to printers and copiers.)

- f. We understand that we must regularly review the docket sheet of the cases so that we do not miss a filing.
- g. We understand that if our use of the ECF system is unsatisfactory, our e-filing privileges may be revoked, and we will be required to file documents on paper (or via the *pro se* intake office).

We respectfully request a waiver of PACER fees going forward for these cases (we believe that once we have electronic filing, we will get courtesy copies of all new documents filed, however, that has not happened in these cases so far.)

Finally, we respectfully request a refund of the two bankruptcy appeal fees of \$298 per appeal, which total \$596. The Bankruptcy Court has waived filing fees in the past for Mr. Frishberg, who the Bankruptcy Court has recognized is a “broke college student.” *See Exhibit A.*

We are in receipt of the Court’s order to submit a joint letter with the Series B Preferred and the Committee by July 7. We have not yet met with them since the entry of that order, but are available to do so and will plan to meet and confer with the Parties and jointly update the Court by that date. We also support consolidation of these appeals—and they are definitely related. We will wait until the joint July 7

update to confirm our position on a briefing schedule and consolidation after conferring with the Parties (and will file the any necessary motions after that update.)

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,
TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS**

This document complies with the type-volume limit of Federal Rule of Bankruptcy Procedure 8013(f)(3)(A) because excluding the parts of the document exempted by Fed. R. Bankr. P. 8015(g), this document contains fewer than 5,200 words. This document complies with the typeface and type-style requirements of Federal Rule of Bankruptcy Procedure 8013(f)(2) because this document has been prepared in a proportionally spaced typeface using Google Docs in 14-point Times New Roman font.

Respectfully Submitted,

Daniel Frishberg, *Pro Se*
June 29, 2023
/s/Daniel A. Frishberg
Santa Clara County, California

Immanuel Herrmann, *Pro Se*
June 29, 2023
/s/Immanuel Herrmann
Silver Spring, Maryland

EXHIBIT A

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

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In re:)	Chapter 11
)	
CELSIUS NETWORK LLC, <i>et al.</i> ,)	Case No. 22-10964 (MG)
)	
Debtors.)	(Jointly Administered)
<hr/>)	
DANIEL FRISHBERG,)	
)	
	Plaintiff,)	Adversary Proceeding No. 22-01179 (MG)
v.)	
)	
CELSIUS NETWORK LLC;)	
CELSIUS KEYFI LLC;)	
CELSIUS LENDING LLC;)	
CELSIUS MINING LLC;)	
CELSIUS NETWORK INC.;)	
CELSIUS NETWORK LIMITED;)	
CELSIUS NETWORKS LENDING LLC;)	
and CELSIUS US HOLDING LLC,)	
)	
Defendants.)	
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ORDER WAIVING FILING FEE

On December 22, 2022, Daniel Frishberg (“Frishberg”) filed a Motion to Waive the Filing Fee for the above referenced adversary proceeding (the “Motion,” ECF Doc. # 3.) The Motion did not contain any documentation of Frishberg’s financial situation. On December 23, 2023, the Court entered an order (ECF Doc. # 4) denying the Motion. Because Frishberg did not subsequently pay the filing fee, on February 10, 2023 the Court entered an order to show cause (the “Order to Show Cause,” ECF Doc. # 6) requiring Frishberg within 14 days to either 1) pay the filing fee or 2) re-apply for a fee waiver and include a financial statement, which could be

filed under seal. (Order to Show Cause at 2.) The Order to Show Cause also provided that the Defendant's time to answer the complaint would be suspended until the issue of the fee waiver was resolved. (*Id.*) Frishberg timely filed a financial statement under seal which demonstrates his entitlement to a fee waiver at this time. (*See* ECF Doc. # 11.)

It is hereby, ORDERED, that the filing fee is waived.

It is further, ORDERED, that the Defendant's time to answer the complaint shall no longer be suspended and shall begin running again as of the date of this order.

It is further, ORDERED, that any further requests from Frishberg for a fee waiver will require a renewed application with updated financials.

IT IS SO ORDERED.

Dated: March 3, 2023
New York, New York

/s/ Martin Glenn
MARTIN GLENN
Chief United States Bankruptcy Judge